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23 IN THE UNITED STATES BANKRUPTCY COURT
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25 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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29 **In re:**

30 **PG&E CORPORATION,**
31 **And**
32 **PACIFIC GAS AND ELECTRIC**
33 **COMPANY,**

34 Debtor.

35 · Affects PG&E Corporation
36 · Affects Pacific Gas and
37 Electric Company
38 X Affects both Debtors

Bankruptcy Case
No. 19-30088(DM)

Chapter 11

(Lead Case)
(Joint Administered)

District Court Case No. 4:22-cv02833-HSG

**CALIFORNIA DEPARTMENT OF
WATER RESOURCES' DESIGNATION
OF ADDITIONAL RECORD ON
APPEAL AND STATEMENT OF
ISSUES**

Pursuant to Rule 8009(a) of the Federal Rules of Bankruptcy Procedure, the California Department of Water Resources (“DWR”) submits its Designation of Additional Record on Appeal and Statement of Issues. DWR reserves the right to designate additional items for inclusion in the record or restate the issues presented on appeal.

DWR DESIGNATION OF RECORD ON APPEAL

DWR designates all of the items to be included in the record on appeal that were designated by the Appellants PG&E Corporation and Pacific Gas & Electric Company, and designates the additional items referenced below, each of which includes all exhibits and addenda attached thereto and filed therewith and any and all documents incorporated by reference therein.

Dkt. No.	Docket Items	Date
65221	Northern California Power Agency Proof of Claim	10/18/2019
60676	City of Santa Clara dba Silicon Valley Power Proof of Claim	10/18/2019
7231	Municipal Objectors’ (including Northern California Power Agency) Objection to Plan Confirmation and Objection to Cure Notice and Other Matters Pertaining to Assumption Pursuant to Section 365(B)(1) of the Bankruptcy Code	5/15/2020
7281	California State Agencies’ Objection to Confirmation of Debtors’ and Shareholders Proponents’ Joint Chapter 11 Plan of Reorganization Dated March 16, 2020 [Docket No. 6320]	5/15/20

STATEMENT OF ISSUES ON APPEAL

DWR objects to the issues as framed by Appellants. DWR presents the following issues as proper for the Court on appeal:

1. Whether Debtor’s appeal on May 13, 2022, from the Order Denying Motion of the Reorganized Debtors for Entry of an Order Modifying Plan Injunction and Compelling Arbitration of Claim of California Department of Water Resources [Dkt No. 12001] entered March 8, 2022, is timely.

2. If Appellant’s appeal is timely, whether the bankruptcy court properly exercised its discretion under *In re Thorpe Insulation Co.*, 671 F.3d 1011 (9th Cir. 2012) in denying Debtors’ request for arbitration because it conflicted with provisions in the Plan and Confirmation Order that

1 Debtors agreed to and that expressly reserved jurisdiction for the Court to decide executory
2 contract, cure dispute and claims allowance issues.

3 3. Whether the bankruptcy court properly determined, based on the undisputed facts
4 and the terms of the Castle Rock Agreement, that DWR's notice of termination was effective one
5 year after it gave its notice of termination and that DWR did not owe anything, including any
6 removal costs, to the Debtor or Silicon Valley Power and Northern California Power Agency as a
7 prerequisite for or consequence of such termination.

8 DWR notes that there is another appeal that concerns substantially the same parties,
9 property, transaction and events pending before this Court and the Honorable Haywood S. Gilliam,
10 Jr. as Case No. 4:22-cv02834-HSG. Since the two appeals are already pending before the same
11 District Court Judge, DWR does not believe an Administrative Motion to Consider Whether Cases
12 Should be Related as provided in Local Rule 3-12 is necessary.

13 Dated: June 1, 2022

Respectfully submitted,

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19 By: /s/ Paul J. Pascuzzi

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PROOF OF SERVICE

I, Susan R. Darms, declare:

I am a resident of the State of California and over the age of eighteen years, and not a party to the within action; my business address is 500 Capitol Mall, Suite 2250, Sacramento, CA 95814. On June 1, 2022, I served the within document:

**CALIFORNIA DEPARTMENT OF WATER RESOURCES' DESIGNATION OF
ADDITIONAL RECORD ON APPEAL AND STATEMENT OF ISSUES**

By Electronic Service only via CM/ECF.

/s/ Susan R. Darms
Susan R. Darms